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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL No. 539 OF 2018

Ramjan Khalil Patel	...	Appellant
Vs.		
State of Maharashtra	...	Respondent

Mr. P. G. Sarda, for the Appellant.
Mr. H. J. Dedhia, APP for Respondent – State.
Ms. Apeksha Vora, appointed advocate for Respondent No. 2.

**CORAM : INDRAJIT MAHANTY, &
SARANG V. KOTWAL, JJ.**

DATE : JANUARY 3, 2019

PC :

1. Heard the learned counsel for the appellant and the learned APP, and the learned appointed advocate for Respondent No. 2. Present appeal has been filed against the order dated 29th March, 2018, by which order, the learned Additional Sessions Judge, Barshi was pleased to reject the bail application filed by the appellant.

2. On perusal of the present appeal, we find that this Court has granted interim bail to the appellant by an order dated 17.7.2018 and recorded the statement of the learned counsel that the Appellant is willing to marry with respondent No. 2. Accordingly, the appellant was directed to be released on bail on

furnishing PR bond in the sum of Rs. 15,000/- with one or more sureties in the like amount, and thereafter this matter appeared before this Court on several occasions and and by an order dated 3rd October, 2018 this Court was pleased to direct as follows:

“Learned counsel appearing for the Appellant on instructions makes a statement that the Appellant will deposit Rs. 1,00,000/- in the registry of Sessions Court, at Barshi, District Solapur, within four weeks from today. At the request of learned counsel appearing for the Appellant, stand over to 1 November 2018.”

3. The learned counsel for the appellant submits that since respondent No. 2 made huge demand, no settlement could be reached for the purpose of marriage. Learned counsel for respondent No. 2, on the other hand, submitted that there is no possibility of marriage of respondent No. 2 with the appellant since it is ascertained that in the meantime, appellant has got married. Considering the aforesaid circumstances, real purpose would be sub-served in keeping this appeal pending, which was filed, challenging rejection of the bail of the appellant. We find from the order, reproduced hereinabove that the appellant has complied with the directions of depositing Rs. 1,00,000/- in the trial court and the fact that there is no possibility of marriage between the appellant and the respondent No. 2, we therefore, pass the following order.

ORDER

- (i) The appellant-accused is continued to be released on bail on the terms as directed earlier, subject to the condition that the appellant and his counsel shall remain present on every date in the trial court.
- (ii) We make it clear that nothing herein shall amount to determination of any issue, either on law or on merits *inter se* between the parties.
- (iii) Liberty is granted to the Respondent No. 2, if so advised, to approach the learned trial court by making an application for release of the amount deposited by the appellant, which application shall be decided by the trial court on merits and in accordance with law, expeditiously.

Sd/-

[SARANG V. KOTWAL, J.]

Sd/-

[INDRAJIT MAHANTY, J.]